91-1775

Supreme Court, U.S.
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IN THE SUPREME COURT OF THE UNITED STATES OCTOBER TERM, 1991

GEORGE GORDON

PETITIONER,

v.

STATE OF MISSOURI

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI TO THE MISSOURI COURT OF APPEALS FOR THE SOUTHERN DISTRICT, DIVISION TWO

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Can the State of Missouri prosecute an ambassador, of a foreign sovereign, who is a stranger and a sojourner in the United States, or are such proceedings the sole domain of the Federal courts?

2. Can the State of Missouri prosecute an alien, alleged to be in violation of a state law, when said alien is in the process of practicing a federal law, or does the Supremacy clause of the Federal Constitution bind the States to Federal law and other Acts of Congress?

3. Can the State of Missouri refuse to apply it's own laws which have specific indicia for their application?

4. Can the State of Missouri effect a discriminatory policy, in favor of Christians and against Hebrews, by creating religious exceptions to various laws for Christians, while comparable exceptions are denied to Hebrews, and can the State refuse to issue a driver's license to an otherwise qualified applicant, who advances a religious objection to signing the license?

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STATE OF MISSOURI

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI TO

THE MISSOURI COURT OF APPEALS FOR THE

SOUTHERN DISTRICT, DIVISION TWO

PETITION FOR WRIT OF CERTIORARI

The Petitioner, George Gordon, respectfully asks that a Writ of Certiorari be issued to review the judgement of the Missouri Court of Appeals for the Southern District, Division Two, entered on February 3, 1992.

OPINION BELOW

On February 3, the Missouri Court of Appeals, Southern District, Division Two dismissed the Petitioner's Appeal against the decision of the Circuit Court of Wright County, Missouri, said case being entitled **State of Missouri v. George Gordon, Case # 17811-1**. The Dismissal is entered as Exhibit "A"

JURISDICTION

On February 3, 1992, the Missouri Court of Appeals, Southern District, Division Two dismissed the Petitioner's appeal on technical grounds, thus confirming the opinion of Circuit Judge John Moody. The jurisdiction of this Court is therefore invoked under Title 28, United States Code, Section 1257.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment I:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...

United States Constitution, Amendment XIV:

...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

United States Constitution, Article III, Section 2:

In all cases affecting Ambassadors, ...the supreme Court shall have original jurisdiction...

United States Constitution, Article VI:

This Constitution, and the Laws of the United States whcihc shall be made in Pursuance thereof; ...shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby...

STATEMENT OF THE CASE

On April 4, 1991, the Petitioner was charged in the Circuit Court of Wright County, Missouri with violation of Missouri Statute 302.020, operating a motor vehicle without a driver's license, and 301.020, failure to register a motor vehicle. On July 17, 1991, after a motion hearing, and a motion for 60 days time, the case was brought to trial. The judge had entered a plea of not guilty, over the Petitioner's objections, when the Petitioner refused to plead guilty or not guilty, instead entering a plea of non assumpsit by way of confession and avoidance. Judge John Moody did allow the filing of a demurrer to the charges. The Demurrer is entered as Exhibit "B". During the trial, the Petitioner had asserted that he was (1) an expatriate, (2) a citizen and resident of the Kingdom of Israel, (3) an Ambassador of the Kingdom of Israel, (4) and not a citizen or resident of the United States or the State of Missouri. The Judge did rule that the Petitioner's statements to the fact that he was an ambassador and had a letter of credential

were to be allowed into testimony. Not once during the proceedings did the State produce witnesses, evidence, or testimony that would show that the Petitioner was anything other than what he claimed. And as to the State's contentions that the Petitioner was not an ambassador, and was in fact a resident of the State of Missouri, no proof other than mere statements to the effect by the prosecuting attorney were made for the first, and no proof other than that the Petitioner lived in Isabella, Missouri were made for the second. When final argument had been presented, and nothing more as to why the Petitioner should be found guilty other than the prosecuting attorney's contention that 302.020 and 301.020 were applicable was put forth, the Judge ruled. After less than 30 seconds deliberation, the Judge came back and found the Petitioner guilty on both charges, notwithstanding the fact that less than 10 months earlier, the county next to this had found the Petitioner not guilty of 301.020, in a case involving the same vehicle. On July 25, 1991, the Petitioner filed for appeal of the

sentence and findings of the trial court in the Missouri Court of Appeals, Southern District, Division Two, as Case #17811-1. On February 3, 1992, the Missouri Court of Appeals, Southern District, Division Two dismissed the Petitioner's appeal, on the grounds that "...it appearing to the Court that the appellant herein failed to take the required steps to secure appellate review within the allowed time;..." The reason that this had come about was the intransigance of the prosecuting attorney in signing the transcript, even though the Petitioner had requested on a number of occasions that either he sign, or explain why he was not signing, none of which were answered. The Court of Appeals finally dismissed the case, at which time the Petitioner used Missouri Rule of Court 34.04(g) and requested that the trial judge approve the transcript. By the time the trial judge's approval had been obtained, the time for refiling had expired, and a subsequent transfer to the Supreme Court of the State of Missouri was not allowable under the Missouri Rules of Court 83.01 through

83.03, which state that the only methods of gaining Missouri Supreme Court review are (1) the transfer by a dissenting judge of the Court of Appeals, (2) the transfer by an Order of the Court of Appeals, (3) the transfer by Order of the Supreme Court if a Motion for rehearing has been denied, and application under 83.02 denied. As each of the three methods depends on an opinion being rendered by the Court of Appeals, and one was not, there was no method of transfer to the Supreme Court of the State of Missouri. The timing of the receipt of the Court's dismissal, and the wording of the Missouri Rules of Court effectively prevented the Petitioner from filing for Transfer to the Supreme Court of the State of Missouri, and effectively exhausted the Petitioner's remedies in the State Courts, thus leaving only this Court to appeal to for a remedy.

REASONS FOR GRANTING THIS WRIT

This Writ should be granted on three types of issues raised by the questions: (1) this Petition presents issues directly covered by the Constitutional jurisdiction of this Court, and with case law supporting them; (2) this Petition presents issues that have been decided by implication, but not necessarily by direct decision of this Court; and (3) this Petition presents a festering issue that has been bypassed by the State Courts on every occasion that it has been brought up for review, with either a collateral issue being used as the basis of the decision, or technicalities being used to gain dismissal, as in this case.

1. Can the State of Missouri prosecute an ambassador, of a foreign sovereign, who is a stranger and a sojourner in the United States, or are such proceedings the sole domain of the Federal courts?

This question strikes directly at the heart of the entire

issue, as the answer to the question of whether the States can prosecute foreign ambassadors is one upon which the State of Missouri's entire case rests. The State of Missouri has initiated legal proceedings against the Petitioner on a number of occasions, actions which are estopped under the **United States Constitution, Article III, Section 2**, which states that prosecuting an ambassador is an activity under the original jurisdiction of the Supreme Court of the United States. If the State cannot prosecute an ambassador, whether recognized by the United States as a representative to the United States or not, as in **Friedberg v. Santa Cruz, 275 AppDiv 710 (1949)** which stated that this Court had exclusive jurisdiction of action against the permanent representative to the United Nations from the Republic of Chile, the State's entire cause of action against the Petitioner fails. The key factors in determining whether a person is an ambassador are: (1) whether his government meets the standards for being a country, recognized or not, (2) his letter of credential from said government, and (3)

whether or not he "represents" his government, or is simply claiming status for status' sake. The Petitioner has claimed that he is an expatriate from the United States, as per **Title 8 USC § 1481**, when he took an oath of allegiance to a foreign sovereign; that he is an Ambassador of the Kingdom of Israel, subject to the laws of thereof, as laid forth in Scripture; and that the United States Government tacitly recognized the Kingdom of Israel when it passed **Federal Statute 96-1211**. The Kingdom of Israel meets the five main criteria for a country: (1) it has a sovereign, namely Elohim, the God of the Hebrews, (2) it has a government, namely the kingdom originally set forth under David, and continued through Elohim's son, Yehoshua, the Son of David, (3) it has geographic boundaries, namely all the land on planet Earth, (4) it has a population, the people of the tribes of Israel, and (5) it has a law, which is the Law of Moses, handed down from Elohim to Moses on Mount Sinai. As the Kingdom of Israel is a kingdom in exile, the Petitioner cannot point out a specific piece of

ground and say, "that is the property of the Kingdom of Israel" without some other government claiming that it is instead their land, but governments in exile have been recognized before, as in the case of the governments in exile of Poland and the Baltic Republics both during and after World War II. As to the internal workings of the government of the Kingdom of Israel, they are not for this Court to adjudicate or examine, except as to how they go to show that there is a lawful government in existence. This Petitioner also meets the third criteria for an ambassador, as he does represent the Kingdom of Israel, and has the authority to represent the Kingdom of Israel before the people of this Earth. His duties include the teaching of the Law of Moses, and if needed, helping individuals gain citizenship in the Kingdom of Israel.

2. Can the State of Missouri prosecute an alien, alleged to be in violation of a state law, when said alien is in the process of practicing a federal law, or does the

Supremacy clause of the Federal Constitution bind the States to Federal law and other Acts of Congress?

The State of Missouri claims the capacity to prosecute individuals in violation of state law, even as they are in the process of practicing Federal law, though the Supremacy clause in the **United States Constitution, Article Six,** binds the States to recognize, respect and adhere to Federal law, and other Acts of Congress. This case is a perfect example, as the Petitioner claims to be practicing **Federal Statute 96-1211**, which exhorts the reading and application of the Scriptures, yet the State of Missouri claims that it's right to prosecution over-rides the practice of this Federal statute.

3. Can the State of Missouri refuse to apply it's own laws which have specific indicia for their application?

The State of Missouri refuses to fully apply **RSMo 301.020** which states that only an owner of a vehicle is

to register a vehicle. The question is not whether the law exists, but rather, does the State of Missouri have the right to pick and choose who qualifies for the provisions of the laws based on subjective, not objective criteria, so that any person who fills their subjective standards of owner has to fulfill the requirements of said law?

4. Can the State of Missouri effect a discriminatory policy, in favor of Christians and against Hebrews, by creating religious exceptions to various laws for Christians, while comparable exceptions are denied to Hebrews, and can the State refuse to issue a driver's license to an otherwise qualified applicant, who advances a religious objection to signing the license?

The State of Missouri has a policy of providing exceptions to it's licensing laws for various Christian denominations, especially in **RSMo 302.181 (4)** and **(5)**, which state that either Social Security Numbers or

Photographs, both of which are normally required for licensing may be waived if the individual applying belongs to a religious denomination that prohibits one and/or the other. The Petitioner has stated on numerous occasions that he is not adverse to carrying a license card from the State of Missouri, to taking a test of driving competency, or to paying the fees requested, but that he will not sign the contract with the State of Missouri, as it violates the Law of Moses, which states in Exodus 23:32: "Thou shalt make no covenant with them, nor with their gods." It has been decided in the opinion of the Missouri Attorney General in **OpAttyGen No. 25, Westfall, 1-4-73** that "...The issuance of a motor vehicle operator's license may not be refused to a person solely on the ground that he refuses to submit to a photograph, when that refusal is based solely upon religious beliefs." The basis of the Petitioner's refusal to sign the contract is based on his religious beliefs, and as he is willing to comply with the other pertinent sections of the licensing code, he feels

that this refusal to accommodate Hebrews, who cannot sign contracts with the State of Missouri on religious grounds, while providing legal accommodation for Christian religious groups, simply because they are either more mainstream, or Christian, is discriminatory in the worst way, and a major violation of the religious free exercise clause of the **First Amendment**.

The Petitioner has also noted that on a number of occasions that case represents a festering issue, one that has been asked of a number of courts, and never answered. In particular, this relates to the issue of racial, ethnic and religious discrimination in both Missouri and other states against the Petitioner, his family, and those around him who claim to be Hebrews following the Law of Moses. As an example, the Petitioner's wife has a current case before the Supreme Court of the State of Oklahoma, entitled **Jacqueline Gordon v. Tony Jack Lyons, Case #77130**, in which the Petitioner's wife was subjected to contempt of court charges, and jail time,

for following her religious beliefs as a Hebrew. She was singled out for legal action and punishment by the trial court judge because of those beliefs. The Petitioner has also had two recent cases against him for substantially the same reasons, the instant case, and **State of Missouri v. George Gordon, Case #17332-2** from the the same court. Both cases were substantially involved with the questions of the Petitioner being Hebrew and bound by the Law of Moses, with both trial and appellate courts either ignoring the Petitioner's arguments or simply saying that they didn't feel that they were valid, with no reason given. In both cases, the appellate court managed to get out without rendering judgement by using technicalities to dismiss. This Petitioner has even had a case involving these issues before this Court, entitled **Gordon v. Gordon, 108 SCt. 1594**. A number of cases have been heard in this area, and around the United States, involving Hebrews practicing the Law of Moses. As the issues involved relating to how a Hebrew who will not sign a contract with either a State

government, or the Federal goverment, is to be treated under the Constitution have never been directly addressed, this Petitioner feels that this has become a festering issue, one needing to be answered by this Court.

CONCLUSION

For the foregoing reasons, the Petitioner, George Gordon, respectfully requests that a Writ of Certiorari be issued to review the judgement of the Missouri Court of Appeals, Southern District, Division Two.

Dated this 27 day of April, 1992

Respectfully submitted,

George Gordon

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MISSOURI COURT OF APPEALS

Southern District

Cir. Ct. Case No. CR691-902T

State of Missouri, Respondent	)
	)
v.	)
	)
George Gordon, Appellant	)

APPEAL FROM THE CIRCUIT COURT OF WEBSTER COUNTY

Now, on this day, it appearing to the Court that the appellant herein failed to take the required steps to secure appellate review within the allowed time; and that the Clerk of this Court placed this case on a dismissal docket for failure to file record on appeal, and that George Gordon, appellant herein, was given fifteen days' notice by certified mail that the appeal would be dismissed unless, prior thereto, appellant herein, with

Exhibit "A"

leave of Court remedied the default; and that the default was not remedied by the appellant; IT IS THEREFORE, ORDERED AND ADJUDGED that said appeal should be and hereby is dismissed, and that respondent recover of appellant costs and charges herein expended, and have execution therefor.

Filed January 7, 1992

Sandra L. Skinner, Clerk

Missouri Court of Appeals, Southern District

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THE CIRCUIT COURT FOR
THE COUNTY OF WRIGHT,
STATE OF MISSOURI

State of Missouri,	)	
Plaintiff	)	
	)	Case# 890-315-710
vs	)	890-315-711
	)	
	)	DEMURRER
George Gordon,	)	
Defendant	)	
_____	)	

Comes now the Defendant, George Gordon, to Demurrer to the Complaint, to wit:

1. The Defendant's name is George Gordon.

2. The Defendant was operating an automobile in Wright County, Missouri, on April 4, 1991.

3. The Defendant did not have a valid Missouri

Exhibit "B"

driver's license, nor does he have one at this time, nor has he ever had one.

4. The Defendant is not a citizen of the United States, nor is he a resident of the State of Missouri.

5. The Defendant is an expatriate.

6. The Defendant is a Citizen and Resident of the Kingdom of Israel.

7. The Defendant is an Ambassador.

8. The Defendant is a casus omissus under Missouri law.

9. The Defendant comes within the law of Missouri in this case under Statute 302.080.

10. The Defendant is a Hebrew, and is a practicioner of the Law of Moses.

11. Federal Statute 96-1211 provides for the practice of the Law contained in the Scriptures.

12. The Law of Moses prohibits the Defendant from making covenants with foreign and alien gods.

13. The Law of Moses prohibits the Defendant from making covenants with the State of Missouri, as it is a

lawmaker and thus a god.

14. The State of Missouri refuses to sell the Defendant a driver's license without a signed application, which is a contract.

Dated this 5 day of July, 1991.

Respectfully Submitted,

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THE CIRCUIT COURT
IN AND FOR THE COUNTY OF WRIGHT,
STATE OF MISSOURI

State of Missouri,	)	
Plaintiff,	)	Case#CR691-902T
	)	
vs.	)	MOTION FOR JUDICIAL
	)	APPROVAL OF TRANSCRIPT
George Gordon,	)	
Defendant,	)	
_____	)	

Comes now the Defendant, George Gordon, to Move this Court to settle and approve the transcript in the above titled case for filing with the Missouri Court of Appeals.

Mr. Huffman has not signed the approval sheet for the transcript even though he has possessed a copy of this transcript since December 19, 1991. According to

Exhibit "C"

Rule 30.04(g) if "there is any dispute concerning the correctness of any legal file or transcript, or if the parties fail to agree within a reasonable time as to the correctness, the legal file or transcript shall be settled and approved by the trial court." The Defendant feels that 46 days in which nothing has been done indicates that either Mr. Huffman is intending to stonewall the Defendant's appeal by refusing to sign the transcript or that Mr. Huffman has found a major flaw in the transcript which he has failed to notify either the Court of Appeals or the Defendant about.

Due to these circumstances, and the fact that the Defendant's appeal is already on the Court of Appeals' dismissal docket due to Mr. Huffman's intransigence in this matter the Defendant moves that this Court approve the transcript of the trial, according to Rule 30.04 (g) and that it do so with all due haste.

Dated this 5 day of February, 1992

George Gordon

George Gordon